

**NESTLE WATERS NORTH AMERICA
(ICE MOUNTAIN SPRING WATER)**

RESPONSE TO PUBLIC COMMENTS DOCUMENT

AUGUST 27, 2008

OSCEOLA COUNTY PERMIT NO. W670002 FOR PW-101

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EXECUTIVE SUMMARY

NESTLE WATERS NORTH AMERICA BOTTLED WATER PROJECT

On November 6, 2000, Nestle Waters North America (NWNNA) applied for a permit to construct a test production well in the NE ¼ of the SW ¼ of the NE ¼ of Section 20, Osceola Township, Osceola County, Michigan, in accordance with the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (SDWA). The test production well is to ultimately be used as a source for the bottling of water. The Central Michigan Health Department (CMHD), in conjunction with the Department of Environmental Quality (DEQ,) Water Bureau (WB), issued an approval for construction of the test production well on November 17, 2000, under the auspices of the SDWA.

Following construction of the well in 2001 and completion of required testing, NWNNA petitioned the DEQ in August 2006 under Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The petition requested that the DEQ make a determination per section 32724(1) of Part 327 as to the likelihood of the proposed water withdrawal causing an adverse resource impact (ARI). Section 32724(4) of Part 327 requires the DEQ to issue a written determination on the petition within 120 days of receiving an administratively complete petition request. On December 18, 2006, the DEQ issued a proposed determination that an ARI was not likely as a result of the proposed NWNNA withdrawal. Subsequent to the proposed determination, the DEQ invited public comment regarding the decision. Upon considering all relevant information and comments, on February 2, 2007, the DEQ issued the determination that the proposed NWNNA withdrawal would not likely cause an ARI.

In April 2008, NWNNA submitted construction permit applications under the SDWA for a well house, 150 gallons per minute (gpm) production pump, and 16,000 feet of 5-inch pipeline for the purpose of withdrawing water and transmitting the water via pipeline to a water loading station located in the city of Evart and ultimately for bottling. The CMHD and the WB have since reviewed the submitted information and assessed compliance with the SDWA of the proposed well house, aquifer capacity, pump and controls, and pipeline construction. Approval to put the source well, presently designated PW-101, into production is pending the issuance of permits to complete construction and finish the work in compliance with permit requirements. The well and water main, as permitted, will constitute a Type IIa noncommunity public water supply (PWS).

A public hearing was held on June 3, 2008, for the purpose of receiving testimony at the request of the NWNNA for the construction permits. An estimated 30 people were in attendance at the public hearing, and oral testimony on the proposed permit action was received from 9 individuals. Written comments on the proposed permit action were also accepted until June 13, 2008, with five written comments received within the public comment period. During the public hearing, testimony was generally supportive of the proposed project. The five individuals that submitted written testimony are all on record as opposed to the project with concerns over the possible impact to water resources and wetlands in the area and conflict with Michigan's public trust doctrine.

Staff of the WB reviewed the report "Type II Permit Application Information Package for Well PW-101, for the White-Cedar-Osceola Site, Osceola County Michigan." The report presents the results of a groundwater resource investigation performed by Malcolm Pirnie, Inc. (MPI) at the White-Cedar-Osceola Site (WCOS) on behalf of NWNNA. The report included discussions on the isolation of the WCOS from potential sources of contamination, a description of the well construction, details on the pipeline construction, and an overview of the site hydrogeology. Upon review of the report, the WB concluded that the WCOS investigation has been completed

in accordance with rules, regulations, WB policy and procedure, and accepted engineering protocol for the development of high capacity wells and the construction of a water main to serve a PWS.

The WB review included an independent analysis of aquifer test data, a determination of aquifer hydraulic characteristics, and an estimate of the impact the proposed groundwater withdrawal would have on aquifer levels. The WB is confident the aquifer at the WCOS can sustain the groundwater withdrawal proposed by NWNA. The projected decline in groundwater levels is minimal, and there is no reason to believe there will be any conflict with adjacent users of the groundwater resource or an ARI to the water dependent on natural resources in the vicinity of the WCOS.

Further, the WB, in cooperation with the CMHD, has verified the locations and proximity of potential sources of contamination in the vicinity of the WCOS. The integrity of the well site relative to potential sources of contamination has been confirmed by the collection of static water elevations from the groundwater system and a determination of the groundwater flow direction. All identified potential sources of contamination are located at a distance from the WCOS, which exceeds the isolation requirements stipulated in the SDWA. Additionally, all potential sources of contamination are located either side gradient or downgradient, where they do not pose a threat to the site and the development of PWS wells.

In summary, the DEQ finds the proposed construction and use of the water supply well PW-101 to be fully consistent with the proper utilization and protection of the groundwater aquifers and other water dependent natural resources. The points made during the public hearing and in written comments addressed to the DEQ have been considered. Extensive information and data has been submitted and analyzed. Based upon the analysis of information and data, the proposal to complete and operate PW-101 as a Type IIa PWS well meets the requirements of the SDWA.

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I. BACKGROUND, PERMIT PROCESS, OVERVIEW OF PROPOSAL, AND REQUEST FOR APPROVAL

1. Background

The NWNA proposed that a well in Osceola County be used as a source for bottled water. A well that is used as a source for bottled water meets the definition of a PWS well under the SDWA and the administrative rules promulgated thereunder. The PWS well would be classified as a Type IIa source for a nontransient, noncommunity (NTNC) PWS and must meet applicable SDWA requirements.

There are approximately 10,000 noncommunity PWSs in Michigan. Of these, 1,500 are classified as NTNC PWSs. The NTNC PWSs provide water to facilities such as childcare centers, schools, offices, businesses, and manufacturing facilities serving the same individuals for not less than 60 days per year. Water well production rates from facilities of this type can range from 20 to over 1,000 gpm.

2. Permit Process

Plans and specifications must be submitted prior to construction or alteration of any PWS, including noncommunity PWSs. The DEQ delegates the authority to issue permits for noncommunity PWSs to local health departments. Over 200 permits are issued annually by local agencies. The steps included in the issuance of a permit are as follows:

- Application and plans to construct are received.
- Review of application and plans relative to siting of the well, well construction, water quality, well capacity, water storage, treatment, and distribution.
- If an application is acceptable, a permit is issued to construct a test well with appropriate conditions such as on-site inspections and performance of required water quality and groundwater resource assessment (i.e., aquifer testing).
- Upon completion of construction and required assessment, the applicant requests approval to put the well into production as a source of water for the PWS.
- Approval is contingent upon compliance with the SDWA rules and regulations including satisfactory well location, construction, capacity, and water quality.
- Once approved for use, routine water sampling and periodic inspections are required and conducted by the local health department.

Where the capacity is high enough and the proposed well is to be used as a source of bottled water, there are also requirements that must be met relative to Part 327 of the NREPA. The proposed withdrawal did not meet the threshold requiring the DEQ to evaluate the withdrawal relative to Part 327, precipitating the NWNA to petition the DEQ for a determination as to whether a proposed new withdrawal of 150 gpm at the WCOS would likely cause an ARI per Part 327 of the NREPA.

3. Overview of Proposal

Location and Proposed Withdrawal

The location of the proposed water withdrawal is the WCOS located ¼ mile west of 100th Avenue and ¼ mile south of 9 Mile Road in the NW ¼, SW ¼, NE ¼ of section 20, Osceola Township, Osceola County. The water will be used as a source for bottled water, which is a 100 percent consumptive use with all of the withdrawn water permanently removed

from the local hydrologic system. The withdrawal is to be via a production well (i.e., PW-101), with a maximum proposed pumping rate of 150 gpm, or 216,000 gallons per day.

Permit Application

On November 6, 2000, NWNA applied for a permit to construct a test well at the WCOS for use as a source of spring water. The CMHD, under the authority of and after consultation with the WB, issued an approval via Permit #W670002 for construction of a test well at the WCOS on November 17, 2000.

NWNA Petition

On August 30, 2006, the DEQ received from NWNA a petition under section 32724(1) of the NREPA. The petition requested that the DEQ render a decision as to whether a proposed new withdrawal of 150 gpm at the WCOS would likely cause an ARI under Part 327 of the NREPA.

Statutory Standard and Index Flow

An ARI is defined in Part 327 as “decreasing the flow of a stream by part of the index flow such that the stream’s ability to support characteristic fish populations is functionally impaired.” Index flow is the 50 percent exceedance flow for the lowest flow month of the flow regime. It is determined for the period of record on gaged streams, or extrapolated from stream flow data for similar streams in Michigan. The index flow represents a low flow condition, which in this case is August.

The WCOS is in the upper reaches of the Chippewa Creek Watershed and is proximal to the watershed divide with Twin Creek. The proximity of the withdrawal to the watershed divide and the depth of completion of PW-101, suggested the withdrawal of water at the proposed location would intercept groundwater discharging further downstream. Staff of the DEQ concluded likely impacts would be downstream to Chippewa and Twin Creeks, and possibly the Muskegon River of which both creeks are a tributary.

There are no United States Geological Survey stream flow gages on either Twin Creek or Chippewa Creek. An estimate of stream flow for the two streams was made as a proportion of the gaged flow for two hydrologically similar watersheds. Using this approach, the index flow for Twin Creek was estimated at 2.7 cubic feet per second (cfs) and for Chippewa Creek at 0.5 cfs. Since 2001, NWNA’s consultant routinely monitored stream flows on Twin Creek and Chippewa Creek. The stream flow data was used to obtain an improved estimate of index flow on Twin Creek of 4.4 cfs and on Chippewa Creek of 3.8 cfs.

Characteristic Fish Populations and Reduction in Flow

Twin Creek and Chippewa Creek are designated by the Department of Natural Resources (DNR) as trout streams based upon historic sampling and the resultant identified fish assemblages. Supplemental data provided by MPI show these creeks to possess flows, summer temperatures, and fish assemblages that are characteristic of a trout stream. In order to determine if a proposed withdrawal will result in an ARI, it must be determined what portion of index flow can be withdrawn without functionally impairing the ability of Twin Creek or Chippewa Creek to support their characteristic fish populations.

Numerous studies have been conducted by the DNR on the variability in index flow and various stream fish community types in Michigan. The studies were utilized to identify an acceptable portion of the index flow that could be removed without causing a significant alteration in the

character of stream fish assemblages. Analyses of data indicate that Michigan trout streams can experience as high as a 13 percent reduction in index flow without a significant shift in the characteristic fish population and fish assemblages. A 13 percent reduction in index flow within the Twin Creek watershed corresponds to a withdrawal of about 0.6 cfs, or 260 gpm. Similarly, index flow in the Chippewa Creek Watershed can be acceptably reduced by 0.5 cfs, or 220 gpm.

ARI Determination

In response to the NWNA petition, the DEQ issued a determination of no ARI on February 2, 2007. This determination concluded that the proposed withdrawal would intercept groundwater discharging to Twin Creek and Chippewa Creek. Therefore, the effect of the proposed withdrawal is measured against the combined allowable withdrawal from both creeks. The proposed maximum withdrawal is 0.33 cfs, or 150 gpm. The combined allowable withdrawal from Twin Creek and Chippewa Creek is 1.07 cfs, or about 480 gpm. Further, the proposed withdrawal was less than the estimated allowable withdrawal from the watershed of either creek alone. Accordingly, the DEQ concluded the proposed withdrawal of 150 gpm from the WCOS is not likely to cause an ARI on either Twin Creek or Chippewa Creek.

4. Request for Approval

NWNA transmitted the report *Type II Permit Application, Information Package for Production Well PW-101 for the White-Cedar-Osceola Site, Osceola, Michigan*. The report was received by the WB on April 17, 2008, consisting of three volumes including descriptive text, tables, figures, and appendices. The permit application package included plans for a well house, a request that PW-101 be equipped for a groundwater withdrawal of 150 gpm, and that the well be approved as a source for bottled water. There were also plans for the construction of 16,000 feet of 5-inch pipeline for the purpose of transmitting the withdrawn water from the WCOS to a water loading station located in the city of Evart.

The WB, in conjunction with the CMHD, has reviewed the submitted information and assessed the compliance of the well, well house, pipeline, and associated appurtenances relative to:

- Isolation from potential sources of contamination
- Well construction and grouting requirements
- Aquifer test and hydrogeologic study requirements
- The site's ability to sustain a groundwater withdrawal of 150 gpm
- Other applicable SDWA rules and regulations

Issuance of the permit to complete construction is based on the evaluation and determination of compliance with applicable rules and regulations and the review of public comments.

II. PUBLIC PARTICIPATION PROCESS

A notice of public hearing was provided in accordance with R 325.10202 of the SDWA. On May 21 and May 28, 2008, a notice of public hearing was published in the *Big Rapids Pioneer*, Osceola Edition. The notice provided information on the public hearing, the subsequent public comment period, and other pertinent information regarding the proposed use of wells at the WCOS as a source for bottled water and the construction of the pipeline. The locations of available information; a telephone number at which additional information could be obtained; the date, time, and location of the public hearing; the closing date of the public comment period; and an address where written comments were to be received was provided.

The SDWA permit public hearing was held on June 3, 2008, from 6:30 p.m. to 7:20 p.m. at the Evart Middle School Auditorium, 321 North Hemlock, Evart, Michigan. The SDWA permit public hearing was held in conjunction with a hearing by the DEQ, Land and Water Management Division (LWMD). The LWMD hearing was announced under separate cover on April 16, 2008, and provided the public an opportunity to offer comments regarding the pipeline crossing of several wetlands and associated streams.

The SDWA permit public hearing was preceded by an informal information session. The information session provided those in attendance an opportunity to review handout material and ask questions of DEQ staff from both the WB and LWMD. During the SDWA information session, the WB explained the criteria for approval of the proposed NTNC PWS under the SDWA. Interested parties were encouraged to comment on the proposal during the formal hearing. Attendees were asked to direct any comments subsequent to the hearing in writing to the following address:

DEQ, Water Bureau
Lansing Operations Division
Drinking Water and Environmental Health Section
525 West Allegan Street, Lansing, Michigan 48933
or
P.O. Box 30273, Lansing, Michigan 48909-7773

The formal portion of the public hearing started at 6:30 p.m. Seated at the front table to hear the testimony were Cora Rubitschun, Hearing Officer, and Richard Overmyer, Chief, Noncommunity Drinking Water Unit, Drinking Water and Environmental Health Section, WB. Also in attendance on behalf of the WB was Brant Fisher, Environmental Engineer Specialist. The public hearing began with opening remarks by Hearing Officer Rubitschun. The opening remarks included an introduction of WB staff, a statement of purpose for the hearing, a summary of the scheduling and announcement information, and direction of how the hearing would be conducted. Mr. Overmyer followed with a brief overview of the project and proposed actions. Hearing statements were recorded, and a request was made that all statements be submitted in writing, if available, for the hearing record.

During the public hearing, comments on the proposed SDWA permit action were received. An estimated 21 people were in attendance for the public hearing, with 9 individuals expressing an interest in presenting oral testimony. In addition to the oral testimony, five individuals submitted written comments to the aforementioned address within the public comment period.

The remainder of this document is summary of the testimony either provided orally at the public hearing or submitted as a written comment within the comment period. Section III lists the comments received pertinent to the issuance of a permit under the SDWA and, where required, a response by the WB to the comments. Section IV presents a summary of the DEQ's position relative to the proposed project and the issuance of permits.

III. SUMMARY OF COMMENTS AND RESPONSE TO ISSUES

1. Summary of Comments from the Public Hearing

This section summarizes the comments received at the public hearing on June 3, 2008, related to the SDWA. Where applicable, a response to comments is provided by the WB on the basis of the applicable rule, policy, and procedure in administration of the SDWA.

Comment – Greg Foote, Senior Hydrogeologist, MPI

Comments were provided to offer insight into the length that Nwana has gone to meet the requirements of the SDWA and address the concerns over the possible environmental impact. It was noted that MPI was responsible for the design, construction, and testing of wells at the WCOS. In spring 2000, MPI began the investigation of the site. The investigation has included an aquifer test conducted in June 2000 and long-term monitoring of groundwater and surface water levels since the summer 2000. Map and graphs concerning the investigation were provided for reference at the hearing. It was noted that the seven-plus years of data are available at the city of Ewart and Osceola Township offices and the Ewart Public Library.

The petition for an ARI assessment was mentioned with a statement of confidence that the information suggests there will not be a problem. It was noted that the Type II application submitted for PW-101 summarizes the well construction, water quality, aquifer test information, wellhead and well house completion, and pipeline construction. Mr. Foote noted the information in total demonstrates compliance with the SDWA and requested that the WB approve the request to put PW-101 into production as a source for bottled water.

Comment – Maryann Borden, Local Resident

Ms. Borden read a statement on behalf of the Michigan Citizens for Water Conservation. The statement questions whether the DEQ would give approval to a private citizen for the wetland crossings required of the project. It was noted that the residents of the township passed a referendum with a majority opposing the project. Ms. Borden questioned how the rules could be different for a resident of the township versus a corporation and how this could be just.

Comment – Paul Griffith, Executive Director, Michigan Works – West Central

Mr. Griffith noted his organization's role in work force development. It was mentioned that Ice Mountain employs approximately 300 people and that Michigan Works was involved in some of the earlier recruitment efforts. Mr. Griffith mentioned a one-day job fair held to solicit potential employees for Ice Mountain. The job fair generated 600 applicants with ultimately over 400 individuals applying for work at the Ice Mountain plant in Stanwood. Nwana was commended as an "employer of choice" in the area. They were also commended for the environmental stewardship, expressed belief that there would not be an ARI, and would like to see approval of the WCOS and the future construction of a bottled water plant in Ewart.

Comment – Herbert L. Phelps, Manager, Osceola 4-H Fair and President, Ewart Chamber of Commerce

Mr. Phelps mentioned the expenditure of funds made by Nwana to protect wells and wetlands. Nwana was commended for removing underground storage tanks and septic tanks in the city of Ewart wellhead protection area. Mr. Phelps noted that Nwana had paid to connect the livestock area at the fair grounds to city sewer and moved the city garage. Nwana was further commended for the creation of new green space and accomplishing more in 4 years to protect the watershed and wetlands of the area than the city had done in the previous 20 years. Mr. Phelps went on to state that he considered Nwana a very clean and environmentally conscientious company in the manner for which they operate.

Comment – Doug Trembath, Retired Director, City of Evert Public Works

The opinion was expressed that NWNA should be issued the necessary permits for the proposed project. Mr. Trembath complimented the work done by MPI on behalf of NWNA and noted the outstanding work done by NWNA to protect the waters of the area.

Comment – Roger Elkins, Manager, City of Evert

Mr. Elkins noted the city had actually solicited NWNA to locate in Evert after losing a large commercial purchaser of water. As a result of these overtures, a “water purchase agreement” has been developed between NWNA and the city of Evert with two city wells (PW-5 at 300 gpm and PW-7 at 500 gpm) dedicated to the company’s water needs. The first year of the agreement covered the purchase of 10 million gallons per year (MGY) with subsequent year agreements for 62 MGY, 80 MGY, and a projected 2008 agreement for 120 MGY. It was noted that the purchase agreements to date have been for far less than the 700 MGY that went to a local plastic injection molding company, which in Mr. Elkins opinion was similar to the NWNA proposed withdrawal as it was not returned to the Twin Creek Watershed.

In closing, it was noted there was unanimous support by the local planning commission for the site plan and proposed crossing of Twin Creek with NWNA considered a good neighbor and good for the community.

Comment – Peter Ermatinger, Township Supervisor, Osceola Township

Monthly reports from NWNA have been received by Mr. Ermatinger since 2000. NWNA is considered very open. It was noted the township did a background check on NWNA and found them to possess a good record for job creation, environmental protection, and support for community projects. Mr. Ermatinger feels there is no reason to not support the science noting the benefits to the area have included land purchases by NWNA to provide habitat, convert farmland to forest, and provide further protection to the watershed.

Comment – Joel Hamilton, Site Director, Springhill Camp

Mr. Hamilton noted the camp’s work with about 30,000 kids per year. He has found NWNA to be conscientious and voiced support for the project.

Comment – Barbara Spaugh, Employee, NWNA – Ice Mountain

Ms. Spaugh commended NWNA for being a good employer with an environmentally friendly attitude.

2. Summary of Written Comments Received During the Public Comment Period

This section summarizes the written comments related to the SDWA that were received during the public comment period that ended June 13, 2008. Six individuals submitted written comments to the DEQ, WB. Where applicable, a response to comments is provided by the WB on the basis of the applicable rule, policy, and procedure in accordance with the SDWA.

Comment – Maryann Borden, representing Michigan Citizens for Water Conservation

Ms. Borden submitted a letter in opposition to the permitting of the pipeline expressing concern over the wetlands in the area. Displeasure with the WB's inability to deny the permit to construct the pipeline and concern over the impact that NWNA might have on the community was also expressed.

DEQ, WB, Response

Ms. Borden is correct in that the WB has no authority to deny the requested permit for a pipeline. The SDWA requires that a permit be issued if it is determined the proposed design of the facility and appurtenances meets the requirements of the act. The hearing with regard to the SDWA permitting process was held in accordance with the notice for the public hearing and at the advertised time.

Comment – Robert Kewaygoshkum, Tribal Chairman, Grand Traverse Band of Ottawa and Chippewa Indians

Mr. Kewaygoshkum expressed contempt for the manner in which public trust doctrine as it relates to water resources has been abrogated by Michigan's Legislature. Mr. Kewaygoshkum cited a consent decree filed in U.S. District Court that confirms the tribe's treaty right to fish in inland lakes and streams. Further, it was noted that proposed legislation allowing for water withdrawals to impact fish populations is tantamount to an unconstitutional taking of the tribe's rights to the fish resources of rivers and streams. It was recommended the Great Lakes Compact be approved as stand-alone legislation and the existing water withdrawal legislation be amended to remove the "product" exemption.

Comment – Suzanne McSawby, Director, Grand Traverse Band Natural Resources Department

Ms. McSawby expressed opposition to the withdrawal of water from an aquifer in Osceola County on the basis of it being a "taking" of a public resource vital to the tribe's rights to fishing and trapping along streams that is guaranteed by treaty. It was noted that the maintenance of public trust in Michigan's water resources is imperative.

DEQ, WB, Response

The arguments presented by Mr. Kewaygoshkum and Ms. McSawby are of a legal nature relative to the rights to utilize the water and water dependent natural resources of the state. They are not germane to the issuance of an SDWA permit for either the wells or pipeline.

Comment – John Beck, President, Sapphire Lake Improvement Board

Mr. Beck expressed concern over the possible impact that bottling water might have on inland lakes fed by natural springs, noting the Muskegon River is particularly vulnerable to such diversions.

DEQ, WB, Response

On February 2, 2007, the DEQ, in accordance with the requirements of Part 327, ascertained the proposed groundwater withdrawal was not of sufficient magnitude so as to cause an ARI to Twin and Chippewa Creeks or the Muskegon River. See the response below.

Comment – James M. Olson, Olson, Bzdok & Howard

Mr. Olson itemized issues and objections to the proposed project within the context of four general categories. Specifically, there was concern that the data and information submitted was insufficient to render a decision relative to the potential for an ARI, that the data contained no information needed to address biological and other environmental impacts, that information was insufficient to address other potentially applicable laws and regulations and insufficient to determine compliance with Part 17, Michigan Environmental Protection Act (MEPA) as it relates to streams, ponds, lakes, wetlands, and plant and animal species.

DEQ, WB, Response: The administrative determination related to the SDWA and the issuance of a permit for the proposed withdrawal and the construction of a pipeline is a narrow decision. The narrow affect of issuing a permit is set forth in Section 4 of the SDWA. That process allows an individual to ask the DEQ a specific, narrow question: whether a proposed water works system would be in compliance with the SDWA if constructed? Per the SDWA the use of the proposed withdrawal as a source for bottled water and the appropriateness of the pipeline construction in meeting the requirements of the SDWA had to be considered. The SDWA requires a permit be issued if it is determined the proposed facility meets the requirements of the SDWA.

The DEQ acknowledges that a determination relative to the issuance of a SDWA permit does not address other laws that may impact NWNA's ability to conduct the proposed withdrawal. The DEQ was required to consider and apply several legal requirements having to do with Part 327 and the likelihood of an ARI as a result of the NWNA petition request discussed in part 3 of section I of this report. The comments received by Mr. Olsen as part of this hearing record mirrored those submitted during the public comment period related to the NWNA petition. The rationale applied in consideration of those comments is provided in *Ice Mountain Spring Water Petition for a No Adverse Resource Impact determination and Response to Public Comment* dated February 2, 2007. This document can be found at http://www.michigan.gov/documents/deq/deq-wb-dwehs-noncomm-nestledeterminationfinal_233505_7.PDF.

The decision to issue a permit under the SDWA does not indicate, in any way, a DEQ decision as to whether other laws apply or whether the standards of applicable laws are met. The issuance of a SDWA permit by the DEQ does not modify or affect the extent to which the proposed withdrawal must comply with other laws and regulations.

Comment – David North, Citizen

Mr. North requested the DEQ say no to any withdrawal of water.

DEQ, WB, Response

The obligation of the WB in the issuance of an SDWA permit for a bottled water facility is to see to it that the proposed water works system is constructed in accordance with the requirements of the SDWA and that it also meets the applicable sections of Part 327. It is not possible to deny a water withdrawal for no reason if the applicable requirements of the SDWA and Part 327 have been met.

IV. SUMMARY OF DEQ POSITION

The DEQ finds the proposed use of the water supply well PW-101, located in Section 20, Osceola Township, Osceola County, Michigan, to be fully consistent with the legal utilization of the groundwater resource as a source of bottled water as stipulated by the SDWA. The DEQ

has considered the points made during the public hearing and in written comments addressed to the DEQ. Extensive information and data have been submitted and analyzed relative to the proposed permit action. Based upon the analysis of information and data, the proposal to complete and operate PW-101 as a Type IIa PWS well meets the requirements of the SDWA.